

REMARKS

This responds to the Office Action mailed on December 14, 2007.

Claim 1 is amended; claims 8-20 are canceled, without prejudice to the Applicant; as a result, claims 1-7 are now pending in this application.

Example support for the claim amendments may be found in a variety of locations throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraphs 28, 41, and 52.

§102 Rejection of the Claims

Claims 8 and 11-14 were rejected under 35 U.S.C. § 102(e) for anticipation by Knudson et al. (U.S. 6,526,577). Claims 8-14 have been cancelled without prejudice to the Applicant, as a result these rejections are now moot and no longer appropriate.

§103 Rejection of the Claims

Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Lazar et al. (U.S. 6,477,508) and in further view of Palazzo et al. (U.S. 2003/0115601). It is of course fundamental that in order to sustain an obviousness rejection that each and every limitation in the rejected claims must be taught or suggested in the proposed combination of references.

Applicant has amended independent claim to now clearly demonstrate that the media player, which is part of the media stream, self-loads and self-executes on the recipient computing device. The Knudson reference does not teach or suggest this in any manner. As a result, Applicant believes the rejections are no longer appropriate and should be withdrawn. Applicant respectfully requests an indication of the same.

Claims 3-5 were rejected under 35 USC § 103(a) as being unpatentable over Knudson in view of Wiser et al. (U.S. 6,385,596). These claims are dependent from amended independent claim 1; thus, for the amendments and remarks presented above with respect to independent claim 1, the rejections of claims 3-5 should be withdrawn and claims 3-5 allowed. Applicant respectfully requests an indication of the same.

Claim 6 was rejected under 35 USC § 103(a) as being unpatentable over Knudson in view of Palazzo, in view of Lazar, and further in view of Wiser. Claim 6 is dependent from amended independent claim 1; therefore, for the amendment and remarks presented above with respect to independent claim 1, the rejection of claim 6 should be withdrawn and claim 6 allowed. Applicant respectfully requests an indication of the same.

Claims 9, 15 and 17-20 were rejected under 35 USC § 103(a) as being unpatentable over Knudson in view of Wiser. These claims were cancelled, without prejudice to the Applicant, as a result these rejections are now moot points.

Claim 7 was rejected under 35 USC § 103(a) as being unpatentable over Knudson in view of Palazzo, in view of Lazar, and further in view of Siann et al. (U.S. 2003/0120541). Claim 7 is dependent from amended independent claim 1; thus, for the amendments and remarks presented above with respect to independent claim 1, the rejection of claim 7 should be withdrawn and claim 7 allowed. Applicant respectfully requests an indication of the same.

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over Knudson in view of Siann. Applicant has cancelled claims 10, without prejudice to the Applicant, as a result the rejection of claim 10 is now a moot point and no longer appropriate.

Claim 16 was rejected under 35 USC § 103(a) as being unpatentable over Knudson in view of Wiser, and further in view of Siann. Claim 16 is cancelled, without prejudice to the Applicant, consequently the rejection is now a moot point.

Double Patenting Rejection

Claims 1 and 8 were rejected under a non-statutory double patenting rejection, specifically claim 6 of U.S. Patent No. 6,938,047 in view of Knudson, in further view of Palazzo, and in further view of Lazar. Applicant does not admit that the claims are obvious in view of

U.S. Patent No. 6,938,047. However, a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) is enclosed herewith to obviate these rejections.

Claim 15 was rejected under a non-statutory double patenting rejection, specifically over claim 6 of U.S. Patent No. 6,938,047 in view of Knudson and in further view of Wiser.

Applicant does not admit that the claim is obvious in view of U.S. Patent No. 6,938,047. Claim 15 was cancelled without prejudice to the Applicant, consequently this rejection is now a moot point.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

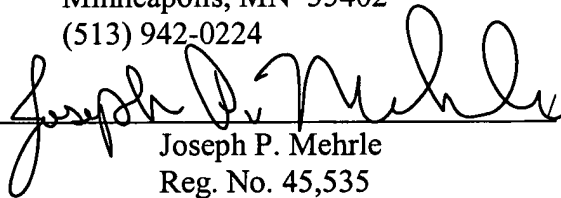
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 3/14/08

By /


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this _____ day of March 2008.

Name

Signature